

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DORA I. BROWN,

Plaintiff,

-v.-

AUTOMATTIC INC.; BLUEHOST-
ENDURANCE INTERNATIONAL
GROUP; and TWITTER,

Defendants.

19 Civ. 6328 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of the document Plaintiff has captioned her Third Amended Complaint (“TAC”). (Dkt. #43). This document does not fully address the deficiencies identified previously by the Court, both orally and in writing. However, the Court is cognizant of the liberality with which Plaintiff’s claims must be viewed as a *pro se* litigant. *See Tracy v. Freshwater*, 623 F.3d 90, 101-102 (2d Cir. 2010) (discussing the “special solicitude” courts are obligated to afford *pro se* litigants). Accordingly, the Court will construe Plaintiff’s Second Amended Complaint (Dkt. #41), the TAC, and Plaintiff’s statements made during the conference held on July 28, 2020 (*see* Dkt. #39 (transcript)), as the operative pleading, which it will deem the Third Amended Complaint. *Cf. Colon v. City of New York*, No. 16 Civ. 6425 (KPF), 2018 WL 740992, at *3 (S.D.N.Y. Feb. 6, 2018) (discussing consideration of *pro se* plaintiff’s submissions in connection with a motion to dismiss). The Court ORDERS Defendants to advise the Court in writing, on or before **November 13, 2020**, as to whether they wish to file an Answer or move to dismiss the Third Amended Complaint.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: October 22, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge